

HOUSE BILL 2936

By McDonald

AN ACT to amend Tennessee Code Annotated, Title 59
and Title 69, Chapter 3, relative to water pollution
control and mining.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

WHEREAS, unsound surface coal mining practices permanently disfigure Tennessee's mountains; and

WHEREAS, many tourists are attracted by Tennessee's remarkable natural beauty; and

WHEREAS, the natural beauty of Tennessee's mountains improve the quality of life in our state; and

WHEREAS, when coal mining methods shift from deep mining to surface mining, total mining jobs decrease substantially; and

WHEREAS, surface coal mining in Tennessee employs 327 people; and

WHEREAS, travel and tourism in Tennessee employ at least 177,000 people; and

WHEREAS, substantially more Tennesseans are employed in travel and tourism than in surface coal mining even in the Tennessee counties that produce the most coal; and

WHEREAS, unsound surface coal mining practices permanently degrade the waters of Tennessee; and

WHEREAS, clean water is an increasingly valuable resource throughout Tennessee and the Southeast; and

WHEREAS, Tennessee's mountains are a permanent source of wealth and clean water for all Tennesseans; and

WHEREAS, unsound surface mining practices trade permanent wealth and water for all, for the short-term gain of a few; and

WHEREAS, Tennessee needs adequate scientific information to protect the environment and water quality around surface coal mining operations; and

WHEREAS, surface coal mining operations must be restricted to limit impact on water and scenic vistas; now; therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 69-3-1__.

(a) No permit shall be issued or renewed by the commissioner for any surface coal mining operation until a new programmatic environmental impact statement (EIS) addressing direct and indirect site specific and cumulative impacts is completed and a record of decision is published in the Federal Register by the office of surface mining. The new EIS must be conducted in good faith and in cooperation with this state using the best available scientific methods, information, and research.

(b) Notwithstanding subsection (a), under no circumstances shall a permit, certification, or variance be issued or renewed by the commissioner that would allow:

(1) Surface coal operations, or resulting waste, fill or in stream treatment within three hundred feet (300') of any water of the state; provided, however, that a permit, certification, or variance may be issued or renewed for operations to improve the quality of streams previously disturbed by mining; or

(2) Surface coal mining operations to alter or disturb any ridge line above two thousand feet (2,000') elevation above sea level, such elevation being determined using the most current edition of the United States forest service's publication, Ecological Subregions of the United States.

(c) This section does not apply to surface coal mining activities that are only incidental to underground coal mining if the department determines that surface disturbance and effect is limited to that required to conduct legal underground coal mining.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.